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*Attorneys for Defendants Caterpillar Inc.,  
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Cashman Equipment Company*

19 UNITED STATES DISTRICT COURT  
20 DISTRICT OF NEVADA

20 ESCO CORPORATION and ESCO CANADA,  
21 LTD.,

22 Plaintiffs,

23 v.

24 CASHMAN EQUIPMENT COMPANY,  
25 CATERPILLAR GLOBAL MINING LLC,  
26 CATERPILLAR, INC., RAPTOR MINING  
PRODUCTS (USA), INC. and RAPTOR  
MINING PRODUCTS, INC.

27 Defendants.

Lead Case No.: 2:12-cv-01545-RCJ-CWH

Consolidated Cases: (2:12-cv-01545-RCJ-  
CWH, 2:14-cv-529-RCJ-PAL)

**JOINT STIPULATION AND ORDER  
FOR EXTENSION OF TIME FOR  
DEFENDANTS TO RESPOND TO  
PLAINTIFFS' MOTION TO DISMISS,  
SEVER, AND STAY**

**(First Request)**

1 Defendants/Counterclaimants Cashman Equipment Company, Caterpillar Global Mining  
2 LLC, Caterpillar Inc. (together, the “Caterpillar Parties”), Defendant/Counterclaimant Raptor  
3 Mining Products, Inc. (“Raptor”), Defendant Raptor Mining Products, (USA), Inc. (together with  
4 Raptor, the “Raptor Parties” and collectively with the Caterpillar Parties, the “Defendants”) and  
5 Plaintiffs/Counter-defendants ESCO Corporation and ESCO Canada Ltd. (collectively  
6 “Plaintiffs”), through their undersigned counsel of record, and pursuant to L.R. 6-1 and 7-1,  
7 hereby agree and stipulate to the Court’s entry of an *Order* providing that Defendants shall have  
8 a one week extension of time to file their responses to ESCO’s Motion to: (1) Dismiss  
9 Defendants’ Counterclaims and Strike Defendants’ Affirmative Defenses Relating to Inequitable  
10 Conduct; and (2) Sever and Stay the Remaining Counterclaims and Affirmative Defenses  
11 Relating to Antitrust and Misuse. (Dkt. Nos. 160 and 164-166), originally filed on May 13, 2015  
12 and re-filed on May 14, 2015. Defendants’ responses are currently due on June 1, 2015.  
13 Plaintiffs have now agreed to allow Defendants one week of additional time to respond, making  
14 the responses due on June 8, 2015. The parties have not previously requested extensions  
15 regarding the pending motion.

16 There is good cause for this stipulation, including the Memorial Day holiday, the  
17 availability of Defendants’ counsel and the length of ESCO’s motion. Moreover, this extension  
18 is not requested for any improper purpose or delay.

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1 Dated this 22<sup>nd</sup> day of May, 2015.

2  
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4 /s/ John Krieger

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12 Inc.***

/s/ Binal J. Patel

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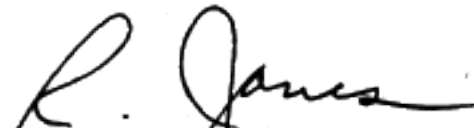
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***Attorneys for Plaintiffs ESCO Corporation  
and ESCO Canada, Ltd.***

IT IS SO ORDERED:



UNITED STATES DISTRICT JUDGE

DATED: May 26, 2015

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on May 22, 2015 a true and correct copy of the foregoing **JOINT STIPULATION AND ORDER FOR DEFENDANTS TO RESPOND TO PLAINTIFFS' MOTION TO DISMISS, SEVER, AND STAY** will be served upon all counsel of record who are registered participants via electronic mail through the United States District Court's CM/ECF system.

DATED: May 22, 2015

/s/ Gregory J. Commins, Jr.